



05-22-03

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## SUBMISSION OF PETITION FOR REVIVAL

Docket Number:  
042390.P13768

First named inventor: David M. Lee

Application No.: 10/040,702 Art Unit: 21211

Filed: December 28, 2001 Examiner: Unknown

Title: METHOD FOR HANDLING UNEXPECTED COMPLETION PACKETS AND COMPLETION PACKETS  
WITH A NON-SUCCESSFUL COMPLETION STATUS

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

Applicant(s) believe(s) that the above-identified application is being regarded by the United States Patent and Trademark Office (USPTO) as abandoned. Accordingly, applicant(s) submit(s) herewith a Petition for Revival of An Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing in accordance with 37 CFR § 1.137(f). The Petition fee required under 37 CFR § 1.17(m) is submitted herewith. An extra copy of the Fee Transmittal is enclosed for deposit account charging purposes.

Applicant(s) respectfully submit(s) that the USPTO has misinterpreted the requirements of 35 U.S.C. § 122, causing the needless filing of the subject Petition, and respectfully requests a refund under 37 CFR § 1.26 for the fees under 37 CFR § 1.17(m) mistakenly required to be paid. The refund can be credited to Deposit Account No. 02-2666. If a refund is not forthcoming, applicant(s) reserve(s) the right to request a refund for the Petition fee based on a subsequent finding by the USPTO or a court of proper jurisdiction that the requirements of 35 U.S.C. § 122 have been misinterpreted.

5/20/03

Date

Signature

Telephone

Number: (408) 720-8300

Michael J. Mallie

Typed or Printed Name

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025  
Telephone Number: (408) 720-8300

36,591

Registration No.

This correspondence is being sent via express mail (Express Mail No. EV336584559US).

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OFFICE OF PETITIONS



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN  
OR INTERNATIONAL FILING (37 CFR 1.137(f))**

Docket Number:  
042390.P13766

First named inventor: David M. Lee

Application No.: 10/040,702 Art Unit: 2122

Filed: December 28, 2001 Examiner: Unknown

Title: METHOD FOR HANDLING UNEXPECTED COMPLETION PACKETS AND COMPLETION PACKETS  
WITH A NON-SUCCESSFUL COMPLETION STATUS

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703) 305-9282.

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

**PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF  
THIS APPLICATION UNDER 37 CFR 1.137(b)**

**1. Petition fee**

- Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- Other than small entity – fee \$1,300.00 (37 CFR 1.17(m)).
- The Director is hereby authorized to charge the indicated fees and credit any overpayments to Deposit Account No. 02-2666.
- Fee is enclosed.

**2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))**

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after filing. The filing date of the subsequently-filed foreign or international application is December 6, 2001.

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(Page 1 of 2)

SEND COMPLETED FORM TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

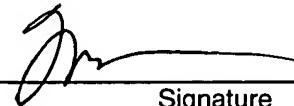
Based on Form PTO/SB/64a (05-03) as modified by BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP on 05/13/03

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STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

5/20/03  
Date

  
Signature

Telephone  
Number: (408) 720-8300

Michael J. Mallie  
Typed or Printed Name

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025  
Telephone Number: (408) 720-8300

36,591  
Registration No.

Enclosures:  Fee Payment

Additional Sheets containing statements establishing unintentional delay

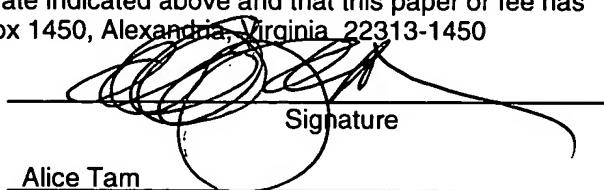
Other: Submission of Petition for Revival

"Express Mail" mailing label number:

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Date of Deposit: May 20, 2003  
I hereby state that I am causing this paper or fee to be deposited with the United States Postal Service  
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5/20/03  
Date

  
Signature

Alice Tam  
Typed or printed name of person signing certificate

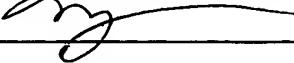


**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code (\$)	
1051	130	2051	65
1052	50	2052	25
1053	130	1053	130
1812	2,520	1812	2,520
1813	8,800	1813	8,800
1804	920*	1804	920*
1805	1,840*	1805	1,840*
1251	110	2251	55
1252	410	2252	205
1253	930	2253	465
1254	1,450	2254	725
1255	1,970	2255	985
1401	320	2401	160
1402	320	2402	160
1403	280	2403	140
1451	1,510	1451	1,510
1452	110	2452	55
1453	1,300	2453	650
1501	1,300	2501	650
1502	470	2502	235
1503	630	2503	315
1460	130	1460	130
1807	50	1807	50
1806	180	1806	180
8021	40	8021	40
1809	750	2809	375
1814	110	2814	55
1810	750	2810	375
1801	750	2801	375
1802	900	1802	900
1504	300	1504	300
1505	300	1505	300
1803	130	1803	130
1808	130	1808	130
1454	1,300	1454	1,300
			Acceptance of unintentionally delayed claim for priority

Other fee (specify) \_\_\_\_\_ **SUBTOTAL (3) \$ 1300.00**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**Typed or Printed Name: Michael J. MallieSignature:  Date: 5/20/03Reg. Number: 36,591 Telephone Number: 408-720-8300**EXPRESS MAIL CERTIFICATE OF MAILING**"Express Mail" mailing label number: EV 336584559 USDate of Deposit: May 20, 2003

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Signature of Person Mailing Paper or Fee

Date Signed

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